TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1901.

No 478.

FOK YOUNG YO, APPELLANT,

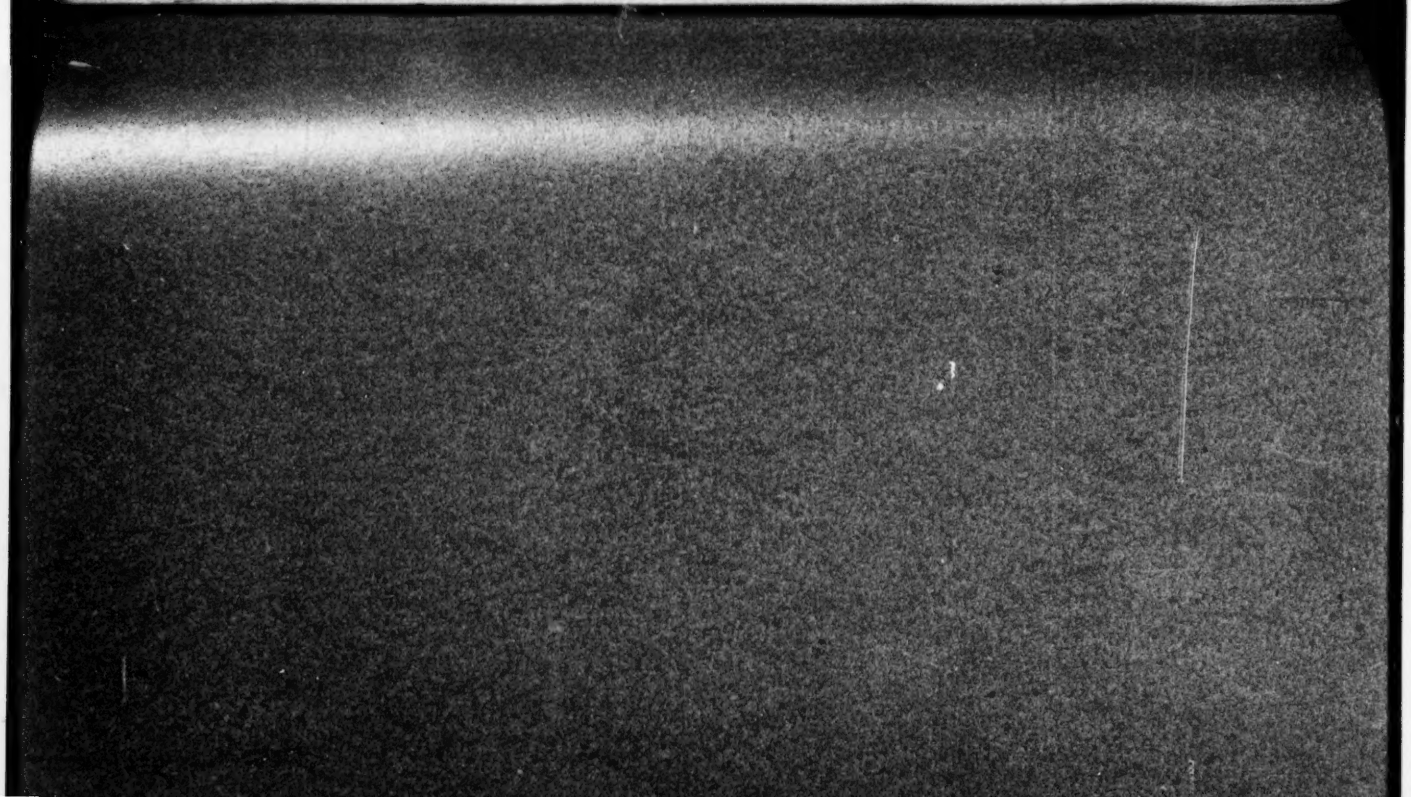
vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

FILED NOVEMBER 26, 1901.

(18,331.)



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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., DECEMBER 12, 1901.

1 The United States Supreme Court.

UNITED STATES OF AMERICA, } ss:
Northern District of California, }

To the United States of America, intervenor, Greeting:

You are hereby cited and admonished to be and appear at the city of Washington, before the Supreme Court, on the 10th of December A. D. 1901, to do and receive what may appertain to justice, and pursuant to an appeal filed in the clerk's office of the district court of California, wherein Fok Young Yo is applicant, for a writ of *habeas corpus*, and you are intervenor opposing said application.

Witness the Honorable J. J. De Haven, district judge, this 2d day of November A. D. 1901, and of the Independence of the United States of America the one hundred and twenty-fifth.

JOHN J. DE HAVEN,
District Judge.

1½ [Endorsed:] 2. 12480. United States district court. In the matter of Fok Young Yo, on *habeas corpus*. Citation. Due service of the within citation acknowledged this 2nd day of November, 1901. Edward J. Banning ass't U. S. att'y. Geo. E. Morse clerk. By J. S. Manley deputy clerk. J. E. Foulds & Earll H. Webb, attorneys for petitioner.

2 (*Petition for Writ.*)

In the District Court of the United States, Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus*.

To the honorable the district court of the United States in and for the northern district of California:

Your petitioner, Fok Young Yo, respectfully represents and shows to this honorable court that he is a citizen of the Empire of China, and is a resident of Guatemala, Mexico, to which last-named place he was travelling when interrupted in his journey as hereinafter described.

That he is unlawfully and unjustly detained and imprisoned in a frame building on what is known as the Pacific Mail dock at the port of San Francisco, State of California, and is there held and detained by William H. Avery, agent for the Toyo Kisen Kaisha, by virtue of an order of deportation made by the collector of customs for the port of San Francisco, a copy of which is hereto attached and marked Exhibit "A."

Your petitioner further shows that on the 24th day of August,

1901, he purchased from the agent of the Toyo Kisen Kaisha at Hongkong, passage from said last-mentioned place to San Jose de Guatemala, in Mexico, paying therefor the sum of one hundred and eighty-three (Mexican) dollars ($183.00), and receiving a ticket from said agent for passage on the steamship "Nippon Maru" to the port of San Francisco, and an order upon the San Fran-
3 cisco agent of said company for a steerage ticket from San Francisco to San Jose de Guatemala, which ticket and order he now has in his possession.

That upon arriving in the port of San Francisco, your petitioner was, on September the 19th, 1901, examined by a customs inspector, his baggage and private papers opened, and his person searched.

That your petitioner is not making application to enter the United States, nor to pass in transit through the territory thereof, but is merely a passenger en route for a foreign port and touching at this port while on his journey along the usual course of travel, and for the purpose of transshipping to another vessel.

That after said examination of your petitioner, as above set forth, the collector of customs at this port thereupon made the order of deportation above referred to, and your petitioner is now confined in the manner above described, and will be deported and sent back to China, the country from whence he came, unless prevented by an order of this court.

Your petitioner further shows that his detention and imprisonment as aforesaid, is illegal in this, to wit:

1. That the order under which your petitioner is held is illegal and void and is not authorized by any law of the United States or by any treaty between the United States and the Empire of China.

2. That the collector of customs has no authority under the law to examine your petitioner or to confine him in the manner above described.

3. That your petitioner is neither an alien demanding admittance into the United States, nor an alien asking for the privilege of transit through the United States to a foreign country.

Wherefore, to be relieved of said unlawful detention and imprisonment, your petitioner prays that a writ of *habeas corpus* directed to said William H. Avery, agent at the port of San Francisco
4 for the Toyo Kisen Kaisha, may issue in this behalf so that your petitioner may forthwith be brought before this court to do, submit to, and receive what the law may direct.

FOK YOUNG YO. (Signature in Chinese.)

Witness:
EUGENE W. LEVY.

J. E. FOULDS,
EARLL H. WEBB,
Att'ys for Petitioner.

STATE OF CALIFORNIA, }
City and County of San Francisco, } ss:

Fok Young Yo being duly sworn, deposes and says: That he is the petitioner named in the foregoing petition subscribed by him;

that he has read the same, and knows the contents thereof, and the said statements made are true as he verily believes.

FOK YOUNG YO. (Signature in Chinese.)

Witness:
EUGENE W. LEVY.

Subscribed and sworn to before me, this 1st day of October, 1901.

[SEAL.] EUGENE W. LEVY,
Notary Public in and for the City and County of San Francisco, State of California.

5 EXHIBIT "A."

OFFICE OF THE COLLECTOR OF CUSTOMS,
PORT OF SAN FRANCISCO, CAL.,
CHINESE BUREAU, *Sept. 25th*, 1901.

Hon. surveyor of customs, San Francisco.

SIR: All Chinese in transit arriving on the S. S. "Nippon Maru," Sept. 19th, 1901, will be permitted to proceed to depart for their destination, with the exception of the following:

Ticket No. 101, Tok Yeung Go, for Guatemala.
" " 93, Chung Hon, for Chihuahua.
" " 97, Wong Wo, for Havana.
" " 98, Wong Hung, for Havana.

These men have been denied the privilege of transit by the hon. collector at this port.

Respectfully yours,
(Signed) JAMES R. DUNN,
Inspector in Charge.

Endorsed: Filed Oct. 1 1901. Geo. E. Morse, clerk. By J. S. Manley, deputy clerk.

Order.

Let writ issue returnable before the court October 2d at 2 o'clock p. m. of that day.

JOHN J. DE HAVEN, *Judge.*

Oct. 1st, 1901.

6 (*Writ of Habeas Corpus.*)

In the District Court of the United States, Northern District of California.

In the Matter of FOK YOUNG YO on *Habeas Corpus*. No. 12480.

The President of the United States of America to William H. Avery, general agent of Toyo Kisen Kaisha Steamship Company, or whoever may have the custody or control of said Fok Young Yo, Greeting:

You are hereby commanded, that you have the body of the above-named person, by you imprisoned and detained, as it is said,

together with the time and cause of such imprisonment and detention, by whatsoever name the said person shall be called or charged, before the Honorable John J. De Haven, judge of the district court of the United States for the northern district of California, at the court-room of said court in the city and county of San Francisco, California, on the 2nd day of October 1901, at 2 o'clock p. m., to do and receive what shall then and there be considered in the premises.

And have you then and there this writ.

Witness, the Honorable John J. De Haven, judge of the [SEAL.] said district court, and the seal thereof, at San Francisco, in said district, on the first day of October A. D. 1901.

GEO. E. MORSE,
Clerk of said District Court,
By J. S. MANLEY,
Deputy Clerk.

7 In obedience to the within writ, I hereby produce the body of the within-named detained as within directed, and return that I hold the said person in my custody, by direction of the customs authorities of the port of San Francisco, California, under the provisions of the Chinese restriction act.

W. H. AVERY,
Gen'l Ag't Steamship Toyo Kisen Kaisha.

San Francisco, Oct. 1st, 1901.

Endorsed: Issued Oct. 1 1901. Returnable Oct. 2d 1901 at 2 p. m. Filed on return this day of Oct. 2 1901. Geo. E. Morse, clerk of said U. S. district court. By J. S. Manley, deputy clerk.

8 (*Marshal's Return of Service of Writ of Habeas Corpus.*)

In the District Court of the United States, Northern District of California.

In the Matter of FOK YOUNG YO on *Habeas Corpus.* No. 12480.

The President of the United States of America to William H. Avery, general agent of Toyo Kisen Kaisha Steamship Company, or whoever may have the custody or control of said Fok Young Yo, Greeting:

You are hereby commanded, that you have the body of the above-named person, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said person shall be called or charged, before the Honorable John J. De Haven, judge of the district court of the United States for the northern district of California, at the court-room of said court in the city and county of San Francisco, California, on the 2nd day of October 1901, at 2 o'clock p. m., to do and receive what shall then and there be considered in the premises.

And have you then and there this writ.

Witness, the Honorable John J. De Haven, judge of the [SEAL.] said district court, and the seal thereof, at San Francisco, in said district, on the 1st day of October A. D. 1901.

GEORGE E. MORSE,
Clerk of said District Court,
By J. S. MANLEY,
Deputy Clerk.

9 I, George E. Morse, clerk of the district court of the United States for the northern district of California, do hereby certify the foregoing to be a copy of the writ of *habeas corpus*, issued in the within-entitled matter.

Attest my hand, and seal of said district court this 1st of October A. D. 1901.

[SEAL.]

GEO. E. MORSE, *Clerk,*
By J. S. MANLEY, *Deputy Clerk.*

I hereby certify, that on the 1st day of October 1901, I received the writ of which the within is a copy, and that on the 1st day of October 1901, at San Francisco in this district, I personally served the said writ, by delivering to and leaving the same with Wm. H. Avery general agent for T. K. K. Steamship Co., and I also served a copy of the writ on the collector of the port by delivering said copy to E. B. Jerome deputy collector of the port of San Francisco and leaving same with him.

Dated, San Francisco, Cal., Oct. 2d, 1901.

JOHN H. SHINE,
U. S. Marshal,
By E. A. MORSE,
Office Deputy Marshal.

Endorsed: Issued Oct. 1 1901. Filed on return, this day of Oct. 2, 1901. Geo. E. Morse, clerk of said U. S. district court. By J. S. Manley, deputy clerk.

10 At a stated term of the district court of the United States for the northern district of California, held at the court-room in the city and county of San Francisco, on Wednesday, the 2nd day of October, A. D. 1901.

Present: The Honorable John J. De Haven, judge.

(Number and Title of Case.)

In this matter, the respondent made return to the writ of *habeas corpus* issued herein, and produced the body of the said Fok Young Yo in open court, John E. Foulds, Esq., and Earll H. Webb, Esq., appearing as attorneys for the petitioner, and Edward J. Banning, Esq., assistant U. S. attorney, on behalf of the United States. On motion of Mr. Banning, no objection being made, it is ordered that the hearing hereof be, and the same is hereby, continued until and

set for Saturday, October 5th, 1901, at 10 o'clock a. m. By the court ordered that the said Fok Young Yo be remanded to the custody whence produced pending the hearing hereof.

(Appearance in court.)

11 (*Intervention.*)

In the District Court of the United States in and for the Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus.*

Now comes the United States attorney for the northern district of California, and by leave of court first had and obtained, intervenes on behalf of the United States in the above-entitled matter, and for ground of intervention alleges:

I.

That said Chinese person is a native of the Empire of China, and a laborer by occupation, and previous to the filing of his petition for a writ of *habeas corpus*, arrived at the port of San Francisco from the port of Hongkong, China, in transit, through the territory of the United States, for the Republic of Mexico.

II.

That the collector of customs for the port of San Francisco, after careful and due investigation, has decided that he is satisfied that the said Chinese person, does not intend in good faith, to continue his voyage through the territory of the United States to the Republic of Mexico, and has denied the said Chinese person for the reasons alleged, the privilege to further continue his journey through the territory of the United States, and has ordered the said person deported to China, the country whence he came.

III.

That the petitioner in this proceedings, is now, and ever has been since his arrival at the port of San Francisco, on board of the Japanese steamship "Nippon Maru," and is lawfully detained
12 there by William H. Avery, agent for the Toyo Kisen Kaisha.

IV.

That this court has no jurisdiction over the person of the petitioner in this proceeding.

V.

That this court has no jurisdiction over the subject-matter of this proceeding.

Wherefore the United States attorney prays that an order be made by this honorable court discharging the writ heretofore issued herein and directing that the said petitioner be remanded to the

custody whence he was taken and for such other and further order as may seem proper.

MARSHALL B. WOODWORTH,
United States Attorney.

EDWARD J. BANNING,
Ass't U. S. Attorney, of Counsel.

Endorsed: Filed October 5th 1901. Geo. E. Morse, clerk. By J. S. Manley, deputy clerk.

13 At a stated term of the district court of the United States for the northern district of California, held at the court-room in the city and county of San Francisco, on Saturday, the 5th day of October, A. D. 1901.

Present: The Honorable John J. De Haven, judge.

(Number and Title of Case.)

John E. Foulds, Esq., and Earll H. Webb, Esq., attorneys for petitioner, and Edward J. Banning, Esq., assistant U. S. attorney on behalf of The United States, intervenor, being present in open court, this matter came on regularly for hearing, and said matter was duly argued by Mr. Webb —, Mr. Foulds and Mr. Banning, and the further hearing hereof continued until Monday, October 7th, 1901.

(Hearing, &c.)

14 At a stated term of the district court of the United States for the northern district of California, held at the court-room in the city and county of San Francisco, on Monday, the 7th day of October, A. D. 1901.

Present: The Honorable John J. De Haven, judge.

(Number and Title of Case.)

This matter this day came on regularly for further hearing, Earll H. Webb, Esq., appearing on behalf of the petitioner, and Marshall B. Woodworth, Esq., U. S. attorney, on behalf of The United States, intervenor. The attorneys thereupon submitted an agreed statement of facts, and said matter was thereupon submitted to the court for decision.

(Hearing continued—submitted, &c.)

15 (*Agreed Statement of Facts.*)

In the District Court of the United States in and for the Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus.*

The petitioner is a subject of the Empire of China. He arrived at the port of San Francisco on the Japanese steamship "Nippon Maru;" the manifest of which vessel states that he intended to go

to San Jose de Guatemala. Petitioner herein also alleges that that was his intended destination. The collector of customs at the port of San Francisco, did, on the 23rd day of September, 1901, deny the petitioner the privilege of further pursuing his journey to his alleged point of destination. That the petitioner has a ticket, or an order for a ticket, for a through passage from Hongkong, China, to San Jose de Guatemala by steamer. That the petitioner is now held by W. H. Avery, agent for the Japanese Steamship Company, by virtue of an order issued by the collector of customs for the port of San Francisco, directing him to retain the person of the petitioner in his custody, and deport him to China.

Dated October 7, 1901.

J. E. FOULDS &
EARL H. WEBB,
Attorney- for Petitioner.
MARSHALL B. WOODWORTH,
Attorney for Intervenor.

Endorsed: Filed October 7th 1901. Geo. E. Morse, clerk. By J. S. Manley, deputy clerk.

16 In the District Court of the United States, Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus*. No. 12480.

Opinion.

J. E. Foulds and Earll H. Webb, for petitioner.
E. J. Banning, ass't U. S. attorney.

DE HAVEN, *District Judge:*

The petitioner seeks in this proceeding under a writ of *habeas corpus*, issued upon his application, for a judgment of this court releasing him from the custody in which he is now held, so that he may continue on a journey from the port of San Francisco to the port of San Jose de Guatamala, Mexico. The case has been submitted to the court for decision upon the following agreed statement of facts:

"The petitioner is a subject of the Empire of China. He arrived at the port of San Francisco on the Japanese steamship 'Nippon Maru;' the manifest of which vessel states that he intended to go to San Jose de Guatamala. Petitioner herein also alleges that that was his intended destination. The collector of customs at the port of San Francisco, did, on the 23rd day of September, 1901, deny the petitioner the privilege of further pursuing his journey to his alleged point of destination. That the petitioner has a ticket, or an order for a ticket, for a through passage from Hongkong, China, to San Jose de Guatamala, by steamer. That the petitioner is now held by W. H. Avery, agent for the Japanese Steamship Company,

by virtue of an order issued by the collector of customs for the port of San Francisco, directing him to retain the person of the petitioner in his custody, and deport him to China."

17 Article 3 of the treaty of March 17, 1894, between the United States and China (28 Stats. 1210), contains the provision:

"It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused."

Section 1 of the Regulations of the Treasury Department, dated December 8, 1900, vol. 3 Treasury Decisions, page 1000, governing the right of Chinese laborers to pass in transit over the territory of the United States, provides:

"1. The applicant shall be required to produce to the collector of customs at the first port of arrival a through ticket across the whole territory of the United States (and to his or her alleged foreign destination according to the steamship manifest) intended to be traversed, and such other proof as he (or she) may be able to adduce, to satisfy the said collector that a *bona fide* transit only is intended, and such ticket and other evidence presented must be so stamped, or marked, and dated by the said collector, or such officer as he shall designate for that purpose as to prevent their use a second time; but no such applicant shall be considered as intending *bona fide* to make such transit only, if he (or she) has previously, on same arrival, made application for and been denied admission to the United States."

This regulation of the Treasury Department is valid, and authorized by section 8, of the act of September 13, 1888, (25 Stats. 476), and by section 7 of the Chinese exclusion act of May 5, 1892, (27 Stats. 25). Upon the agreed statement of facts, the contrary not appearing, it must be presumed that the action of the collector of customs in denying the privilege of transit to the petitioner, was based upon the failure of the petitioner to satisfy him that he was intending in good faith to proceed upon his journey from San Francisco to his alleged port of destination in Mexico. Upon this state of facts, the decision of the collector of customs cannot be reviewed and reversed by this court, in this proceeding. The decision of the collector, that he is not satisfied of the good faith of petitioner, can only be reviewed by the Secretary of the Treasury on appeal.

The writ will be discharged and the petitioner remanded.

Endorsed: Filed Oct. 23 1901. Geo. E. Morse, clerk.

18 At a stated term of the district court of the United States for the northern district of California, held at the court-room in the city and county of San Francisco, on Wednesday, the 23rd day of October, A. D. 1901.

Present: The Honorable John J. De Haven, judge.

(Number and Title of Case.)

This matter having been heretofore submitted to the court for decision, now, after due consideration had thereon, the court renders written opinion, and it is by the court ordered that the petition and writ herein be, and the same are hereby, dismissed, and that the said Fok Young Yo be, and he is hereby, remanded to the custody whence produced.

(Order dismissing writ and remanding petitioner &c.)

19 *Appeal to the United States Supreme Court.*

United States District Court, Northern District of California.

In re Application of FOK YOUNG YO for a Writ of *Habeas Corpus*. No. 12480. Appeal.

The petitioner, Fok Young Yo, by his attorneys, J. E. Foulds and Earll H. Webb, feeling himself aggrieved by the order and judgment entered on the 23rd day of October, 1901, in the above-entitled proceeding, does hereby appeal from the said order to the United States Supreme Court, and prays that his appeal may be allowed, and that a transcript of the record of proceedings and papers upon which said order is made, duly authenticated, may be sent to the United States Supreme Court.

Dated, San Francisco, October 28th, 1901.

J. E. FOULDS,
EARLL H. WEBB,
Attorneys for Petitioner.

Service of the within notice & petition by copy admitted this 28th day of Oct. 1901.

EDWARD J. BANNING,
Ass't U. S. Att'y.

Endorsed: Filed Oct. 28 1901. Geo. E. Morse, clerk.

20 United States District Court, Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus*.

Assignment of Errors.

The above-named applicant, in connection with his application for permission to appeal, assigns the following errors which he alleges were committed by the honorable district court on the hearing of this matter:

The court erred in holding that article III of the treaty of March 17th, 1894, between United States and China (28 Statutes, 1210) authorizes the Treasury Department of the United States to make regulations governing the right of Chinese laborers to pass in transit over the territory of the United States.

The court erred in holding that section 1 of the Regulations of the Treasury Department dated December 8th, 1900, vol. 3, Treasury Decisions, page 1000, is a valid regulation and authorized by section 8 of the act of September 13th, 1888, (25 Statutes, 476) and by section 7 of the Chinese exclusion act of May 5th, 1892 (27 Statutes, 25).

The court erred in holding that the agreed statement of facts was sufficient to authorize the presumption that the action of the collector of customs in denying the privilege of transit to petitioner, was based upon the failure of the petitioner to satisfy said collector that said petitioner was intending in good faith to proceed upon his journey from San Francisco to his alleged port of destination.

21 The court erred in holding that the decision of the collector of customs cannot be reviewed and reversed by said court in this proceeding.

The court erred in holding that the decision of the said collector in denying the right of the petitioner to proceed upon his journey, can only be reviewed by the Secretary of the Treasury on appeal.

The court erred in holding that section 8 of the act of September 13th, 1888, is now in force, and that it applies to or governs the rights of Chinese laborers in transit across the territory of the United States to a foreign country.

The court erred in holding that section 7 of the Chinese exclusion act of May 5th, 1892, in any way affects the rights of Chinese laborers in transit across the territory of the United States to foreign countries.

The court erred in holding that the writ should be discharged and the prisoner remanded.

For other errors appearing upon the record.

Whereas, by the law of the land, judgment of the said district court should have been that the order of the collector of the port detaining said petitioner, be set aside, and said petitioner allowed to continue on his journey.

Wherefore, your petitioner prays that the judgment of said district court discharging the writ and remanding the prisoner, be reversed, annulled and held for naught; and for such other relief as may be proper in the premises.

J. E. FOULDS AND
EARLL H. WEBB,
Attorneys for Petitioner.

Service of the within assignment of errors, by copy, admitted this 28th day of Oct. 1901.

EDWARD J. BANNING,
Ass't U. S. Att'y.

Endorsed: Filed Oct 28 1901. Geo. E. Morse, clerk.

22 *Order Granting Appeal.*

In the District Court of the United States, Northern District of California.

In the Matter of the Application of FOK YOUNG YO for a Writ of *Habeas Corpus.* No. 12480.

On this 28th day of October A. D. 1901, came Fok Young Yo, the petitioner herein, by his attorneys, J. E. Foulds and Earll H. Webb, and filed herein and presented to this court his petition praying for the allowance of an appeal to the United States Supreme Court, intended to be urged and prosecuted by him, and praying that his said appeal be allowed, and that a transcript of the record of proceedings and papers in the above-entitled matter, duly authenticated, may be sent to the United States Supreme Court.

On consideration whereof the court hereby allows the appeal prayed for and orders execution and return of the petitioner stayed, pending the hearing of the said case in the said United States Supreme Court.

It is further ordered that the appellant herein shall enter into a bond to the clerk of the district court, with surety to his satisfaction, in the sum of two hundred dollars ($200.00), for the payment of all costs and fees in this matter.

San Francisco, October 28, 1901.

JOHN J. DE HAVEN, *Judge.*
GEO. E. MORSE, *Clerk.*

Endorsed: Filed Oct. 28 1901.

Service of the within order admitted (by copy) this 28th day of October 1901.

EDWARD J. BANNING,
Ass't U. S. Att'y.

23 (*Bond for Costs on Appeal.*)

Know all men by these presents, that we, Fok Young Yo, as principal, and B. A. Harnett and E. L. Wakeman, as sureties, are held and firmly bound unto George E. Morse, clerk of the district court, for the northern district of California, in the full and just sum of two hundred dollars, to be paid to the said George E. Morse, his successors or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 31st day of October, in the year of our Lord one thousand nine hundred and one.

Whereas, lately at a district court of the United States, for the northern district of California, in a proceeding depending in said court, upon an application for a writ of *habeas corpus* made by the said Fok Young Yo, a decision was rendered against the said peti-

tioner, and the said petitioner having obtained from said court permission to appeal from said decision to the United States Supreme Court,

Now, the condition of the above obligation is such, that if the said Fok Young Yo shall prosecute his appeal to effect, and answer all costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

(SIGNATURE IN CHINESE.) [SEAL.]
B. A. HARNETT. [SEAL.]
E. L. WAKEMAN. [SEAL.]

UNITED STATES OF AMERICA,
Northern District of California,
City and County of San Francisco, } ss:

24 B. A. Harnett and E. L. Wakeman being duly sworn, each for himself, deposes and says that he is a householder in said district, and is worth the sum of two hundred dollars, exclusive of property exempt from execution, and over and above all debts and liabilities.

B. A. HARNETT.
E. L. WAKEMAN.

Subscribed and sworn to before me, this 31st day of October A. D. 1901.

EUGENE W. LEVY,
Notary Public in and for the City and County of
[SEAL.] *San Francisco, State of California.*

Endorsed: Form of bond and sufficiency of securities approved. John J. De Haven, judge. Form of bond and sufficiency of securities approved. Edward J. Banning, ass't U. S. attorney. Filed Nov. 2 1901. Geo. E. Morse, clerk, by J. S. Manley, dep. clerk.

25 I, George E. Morse, clerk of the district court of the United States for the northern district of California, do hereby certify that the foregoing and hereunto annexed twenty-four (24) pages, numbered from 1 to 24 inclusive, contain a full, true, and correct transcript of the record in said district court in the matter of Fok Young Yo, on *habeas corpus*, No. 12480.

I further certify that the cost of said record, amounting to $12.30, has been paid by appellant.

Witness, my hand and seal of said court at San Francisco, this 9th day of November, A. D. 1901.

[Seal of the U. S. District Court, Northern Dist. of California.]

GEO. E. MORSE, *Clerk.*

Endorsed on cover: File No. 18,331. N. California D. C. U. S. Term No. 478. Fok Young Yo, appellant, *vs.* The United States. Filed November 26th, 1901.